

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

THEODORE DAVIS,

Plaintiff,

v.

**ARMSTRONG RELOCATION, LLC,
EDNA DUMAS, et al**

Defendants.

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2005 SEP -9 P 2:46

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Case No. : 2:05-cv-632-MHT

**DEFENDANT EDNA DUMAS' ANSWER
TO AMENDED COMPLAINT**

COMES NOW Edna Dumas, by and through one of her attorneys of record, and for answer to Plaintiff's Amended Complaint, states as follows:

1. This Defendant denies the material allegations contained in paragraphs 1-11.
2. As to the "First Claim for Relief," this Defendant would state that this portion of the Complaint is brought in bad faith. Summary judgment was granted in the Circuit Court for Montgomery County, Alabama on January 27, 2005. Said court determined that plaintiff was barred by the statute of frauds from making any claim concerning a "lease" or "purchase" of the real property the subject of this action.
3. This Defendant would state that "Third Claim for Relief" stated by Plaintiff is also brought in bad faith for the reasons stated above.
4. This Defendant would state that the "Fourth Claim for Relief" is brought in bad faith for the reasons stated above.

5. This Defendant would state that the "Ninth Claim for Relief" is brought in bad faith for the reasons stated above.

6. This Defendant denies each and every material allegation of the Complaint as it pertains to her contained in the first through eleventh claims for relief. This Defendant demands strict proof thereof.

AFFIRMATIVE DEFENSES

7. This Defendant pleads the general issue.

8. This Defendant affirmatively pleads that Plaintiff was contributorily negligent.

9. This Defendant pleads the defense of statute of frauds.

10. This Defendant adopts by reference and incorporates all defenses stated by any co-defendant in this action.

RESPECTFULLY SUBMITTED this the 9 day of September, 2005.



JEFFREY W. SMITH (SMI088)
One of the Attorneys for Defendant
Edna Dumas

OF COUNSEL:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a copy of the foregoing document upon the below listed counsel of record, by placing copy of same in the United States Mail, postage prepaid this the 9 day of September, 2005:

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